6-9-05

PC25603A US
P Response to Office Action in Application No. 10/718,337

Certificate of Mailing (37 C.F.R. §1.10);

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail (EV 723988961 US) in an envelope addressed to: Mail Stop: Amendment.

Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on this 7th day of June 2005.

Pamela Hollander

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Allen BORCHARDT, et al.

Serial No.: 10/718,337

Confirmation No.: 9247

Filed: November 19, 2003

FOR INHIBITORS OF HEPATITIS C VIRUS RNA-DEPENDENT RNA POLYMERASE, AND COMPOSITIONS AND TREATMENTS

USING THE SAME

Mail Stop: <u>Amendment</u>
Commissioner For Patents
P.O. Box 1450

Alexandria, VA 22313-1450

Group Art Unit: 1625

Examiner: Amelia A. OWENS

TRANSMITTAL LETTER

Transmitted herewith are the following documents:

1. Return Receipt Postcard

2. Response to Office Action, mailed April 7, 2005

3. Fee Due.

1 postcard; 3 pages; and Deposit Account.

Respectfully submitted,

Date: __<u>June 7, 2005</u>_____

Attorney For Applicants Registration No. 47,995

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RESPONSE TO OFFICE ACTION

Sir:

The following comments are offered in response to the Office Action in the above-identified application mailed April 7, 2005.

Status of Claims

Claims 5 to 32 are currently pending in the application and claims 30 and 31 are withdrawn from consideration under 37 C.F.R. § 1.142(b) due to earlier restriction requirement. Claims 5, 7, and 9 stand rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Furthermore, claims 6, 8, 10, and 32 are objected to as being dependent upon a rejected base claim. Finally, Applicants wish to thank the Examiner for indicating that the subject matter of claims 11 to 29 is allowable and that claims 6, 8, 10, and 32 would be allowable if written in independent form. Each of the rejections and objections is discussed further below.

Rejection under 35 U.S.C. § 112, second paragraph

The Examiner has rejected claims 5, 7, and 9 under 35 U.S.C. § 112, second paragraph as In particular, the Examiner alleges that the language in these claims allowing two adjacent C₁-C₁₀ alkyl groups at the R⁴ position, together with atoms to which they are attached, to